

1 retaining walls.

2 Q Mr. Coppola, have you testified in  
3 court before as an expert?

4 A Yes.

5 Q Within the State of New York?

6 A Yes, and one in Connecticut.

7 Q Could you just tell the Court,  
8 approximately, how many times you testified as an  
9 expert?

10 A Five or six times.

11 Q On what subject did you testify?

12 A A couple of cases where there was a  
13 water intrusion from a neighbor onto the other  
14 neighbor. One was a retaining wall and the other  
15 was-- I think were foundation walls within the  
16 building, cracked foundation walls.

17 Q During those occasions where you  
18 testified in court, were you qualified as an  
19 engineer expert?

20 A Yes.

21 MRS. MULLINS: I ask that the Court  
22 qualify Mr. Coppola as an expert in the  
23 field of engineering at this time.

24 THE COURT: Do you wish to make any  
25 inquiry?

1  
2 Honor.

3 THE COURT: I find that Mr. Coppola  
4 is qualified as an expert witness in the  
5 area of engineering, listen to the next  
6 question.

7 Q Did there come a time that you were  
8 requested to view a wall that is the subject of  
9 this case?

10 A Yes.

11 Q Did you inspect the wall?

12 A Yes, I did this November 15th, this  
13 year.

14 Q Were you with anyone when you made  
15 that inspection?

16 A Mr. Annunziata who hired our firm  
17 to do it.

18 Q What did you observe?

19 A Well, I observed a concrete block  
20 wall resting on a stone wall from the Huguenot  
21 Street property. Then we walked around to the back  
22 and drove around and then I saw the stone wall  
23 approximately ten to twelve feet high topped by a  
24 concrete block wall approximately four feet high  
25 and I found that the concrete block wall in the



1 and supervision of retaining walls, where there  
2 type of tie backs are used, is there always some  
3 mechanism that this rod ties into?

4 A You mean always?

5 Q Yes.

6 A I don't suspect that that wall was  
7 put in with tie backs originally, I think when they  
8 noticed the movement a while after they constructed  
9 it, they noticed some movement and I think they  
10 installed the tie backs then but I can't tell how  
11 long they have been there.

12 Q Could you explain to the Court if  
13 it was done subsequent the original construction,  
14 how would that have taken place? How would the  
15 construction of those tie backs have taken place?

16 A How would they do it after the  
17 construction of the wall?

18 Q Yes.

19 A They would have excavated into the  
20 driveway. The driveway that they had in the back,  
21 excavate a spot where the poured concrete block is  
22 going to be and anchor the tie back rod back into  
23 those blocks.

24 Then, the front of the wall has a  
25 plate, which is holding back, which is surfaced on

2 wall, through the soil and onto a concrete block.

3 That is correctly done, I did not  
4 see them, the rods are there.

5 Q In your in professional opinion, is  
6 the bottom portion of the wall that is made of  
7 stone stable?

8 A Yes, it appears to be stable.

With regard to the upper portion --

Q Could you estimate the length of  
that middle area that moved out?

18                   A         I should have measured it, I would  
19                   say approximately eight feet but at the widest part  
20                   it was three to four inches. It tapers out.

21 Q When you went out to the site to  
22 inspect and evaluate the wall below, did you also  
23 have an occasion to look at the wall and inspect it  
24 from the upper portion?

25 A Yes.

were taken by the home owner with regard to any  
repairs to that top area?

4                   A         Well, I was only there with Mr.  
5  
6                   Annunziata and he showed me that the driveway had  
7                   been repaved a while ago. That day it was  
8                   completely full of leaves because it was after a  
9                   big rainstorm that we had.

9 So, the driveway had be repaired  
10 and the front part of the wall was stucko. It did  
11 not appear to be a resent stucko job but the  
12 driveway had been repaired or so I was told.

Q So it was a new driveway?

14 A Relatively new driveway, then as  
15 you face the house from the back of 5 Huguenot, it  
16 was sloped that way.

17 Q To your left?

18 A To your left as you face the back  
19 of the house.

Q So, if you are standing with the wall behind you?

22 A It was sloped in that direction,  
23 any water run off went this way.

Q Did you notice whether or not the  
wheel stops were installed in the driveway?

1                   A         Yes, there were three or four wheel  
2                   stops there.

3                   Q         What is the purpose of wheel stops?

4                   A         I'm sorry.

5                   Q         What is the purpose of those wheel  
6                   stops?

7                   A         To stop a car short of bumping into  
8                   the overhang of the wall with the bumper.

9                   MRS. MULLINS: I have nothing  
10                  further, Your Honor.

11                  THE COURT: Okay.

12                  THE COURT: Mrs. Fiore?

13                  MRS. FIORE: Yes.

14                  CROSS EXAMINATION BY MRS. FIORE:

15                  Q         Did you take any notes?

16                  A         Yes, I wrote a report and I took  
17                  pictures.

18                  MRS. FIORE: I will object to the  
19                  witness entire testimony and that his  
20                  testimony be stricken. I was not given any  
21                  notice of a report or any provision that  
22                  Mr. Coppola-- of his findings and I would  
23                  object to his entire testimony.

24                  MRS. MULLINS: Your Honor, I did not  
25                  even see the report myself and I certainly

offering it, I am just merely offering the testimony of Mr. Coppola's himself today and based on that there is no reason to strike any part of the his testimony.

MRS. FIORE: I would just add Your Honor that the People were denied the opportunity to provide their extra witness.

I'm working within the frame work of a bureaucracy and the fact that the Defendants had the opportunity to, get at the last hour, another witness without notice to the People.

THE COURT: The People had the opportunity from July. The Defendant only had an opportunity from October 17th.

MRS. FIORE: The People had an expert available for the preparation of the case as it went before Your Honor two or three weeks ago.

Just because a notice of violation or a summons has been issued, is there a presumption that the case will go to trial the fact that case has gone to trial, has only been known--

2 perspective on that --

3 MRS. FIORE: And I understand, yet  
4 I'm being prejudiced here --

5 THE COURT: You are not being  
6 prejudiced --

7 MRS. FIORE: For the record, I'm  
8 being prejudiced because not only did I not  
9 have the opportunity to call my witness --

10 THE COURT: Do you have another  
11 witness that you would like to call, if you  
12 have other witness available that you would  
13 like to call, certainly you may call  
14 another witness.

15 MRS. FIORE: I'll see if the witness  
16 is available to come to court and testify.  
17 I could certainly make that inquiry.

18 THE COURT: You went ahead --

19 MRS. FIORE: I was trying to provide  
20 the Defendants with the proper notice, with  
21 the report, with the findings of an expert,  
22 the courtesy of which I was not given and I  
23 object strenuously to this witness's  
24 testimony.

25 THE COURT: So there are two issues.

1                 Objection to the testimony of this  
2                 witness. That objection is unfounded  
3                 because the Defendant, in a criminal  
4                 proceeding, could put on more than one  
5                 witness if they want.

6                 MRS. FIORE: Yes.

7                 THE COURT: They choose to avail  
8                 themselves of evidence and testimony and I  
9                 gave them that opportunity to avail  
10                themselves with the rights and privileges  
11                in the United States Constitution the right  
12                of criminal defendant in their trial.

13                Second, you have been in front of me  
14                enough to know that when I say we are going  
15                to have a trial, we are going to have a  
16                trial.

17                MRS. FIORE: I'm not disputing that  
18                issue, Your Honor. What I'm disputing is  
19                that from the vantage point of the town,  
20                it's not within the purview of the town  
21                prosecutor to go and engage and retain  
22                experts. If it were within my purview, I  
23                certainly would have done that. It's not  
24                within my jurisdiction to go out on behalf  
25                of the town and start retaining structural

音符的上方有音名，下方有音值。是一首歌里的一段。

THE COURT: But you know what, you  
are missing the point of your roll as  
representative --

MRS. FIORE: I'm not missing it.

THE COURT: It is late and now is not the time for me to provide a seminar on that topic.

MRS. FIORE: I'm not interested in having a seminar nor do I need one. I have been engaged with the town powers that be and the responsible people who are responsible for obtaining the expert witness for this trial.

This witness has offered nothing beyond the prior witness's testimony. That was the grounds for my first objection.

The second objection is, if you are going to allow his testimony, the People should be given the opportunity to provide their witness who could rebut this witness's testimony.

THE COURT: Okay, call the person right now. You are excused. Do you have